

GOVERNMENT OF TELANGANA  
ABSTRACT

Tribal Welfare Department -Khammam District- Revision Petition filed by Sri KolliSatyanarayana, S/o Peeraiah, R/o Asannagudem Village, Dammapeta Mandal, now Bhadradi Kothagudem District against the orders of the Addl. Agent to Govt., Khammam in CMA No. 63/2007, dated 28-06-2008 in respect of Acres 7-38 guntas in Survey No. 1132 of Nagupalli Village, Dammapeta Mandal, Bhadradi Kothagudem District- Rejected - Orders – Issued

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TRIBAL WELFARE (LTR)DEPARTMENT

G.O.Ms.No. 11

Dated: 14-03-2018,  
Read the following:-

Ref:1) Revision Petition filed by Sri KolliSatyanarayana, S/o Peeraiah, R/o Asannagudem Village, Dammapeta Mandal, Bhadradi Kothagudem District dated : 22-09-2008.

2) Govt.Memo.No.9088/TW.LTR-2/2008,Dt:05.12.2008.

3) From the Addl.Agent to Govt., Bhadrachalam, RP No.9088/LTR-2/08(CMA No.63/2007),Dt:16.02.2009.

4) Govt.Lr.No.9088/TW.LTR-2/2008, dated:27.04.2017,30.05.2017  
03.08.2017, 17.10.2017 & 12.12.2017.

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ORDER

In the reference 1<sup>st</sup> read above, Sri KolliSatyanarayana, S/o Peeraiah, R/o Asannagudem Village, Dammapeta Mandal, now Bhadradi Kothagudem District has filed Revision Petition before the Government through his counsel against the orders of the Addl. Agent to Govt., Khammam in CMA No. 63/2007, dated 28-06-2008 in respect of Acres 7-38 guntas in Survey No.1132 of Nagupalli Village, Dammapeta Mandal, now Bhadradi Kothagudem District.

2. The main grounds of the Revision Petitioner are as follows:

- The Additional Agent to Government under revision is antedated, arbitrary, nullity, not in appreciation of the facts in accordance with law, ultra vires the provisions of Land Transfer Regulation 1/1970, excess of jurisdiction, against the principles of natural justice, against the binding precedents of the Hon'ble High Court of Judicature of A.P. and Supreme Court.
- Orders passed by the Additional Agent to Government without considering written arguments filed on 23.11.07 and binding decisions therein of Hon'ble High Court and Supreme Court of India.
- Without calling the connected records in LTR case No.360/05/DPT and LTR case No.1082/74 from the Spl. Deputy Collector(TW), Bhadrachalam.
- The Additional Agent to Government ought to have verified by calling the concerned register consisting of the S.R. Number of the appeal and enquired the reasons for not numbering the appeal from 21.01.2006 till the year 2007.
- The Additional Agent to Government has no jurisdiction or authority to adjudicate anything in respect of the possession immovable property of the petitioner who is claiming possession since long prior to the commencement of the Regulation.
- The possession of the property is since 15.05.1962 onwards under the transaction took place long prior to Regulation and the transaction was duly admitted by the ancestral.
- Regularizing the sale transaction by the competent authorities under ROR Act, the claim of the respondent (BandaruKorrajulu) (Tribal )is purely civil nature.
- While allowing the appeal to take over possession of the schedule land is not justified in directing the Tahsildar.
- The Additional Agent to Government not at all exercised its power as an appellate authority and passed the orders under revision and even added the paternal uncle of the petitioner herein as L.R of deceased Additional Agent to Government to without perusing the village records.

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- The Additional Agent to Government, Bhadrachalam failed to note that the provisions of Regulations 1/59 do not provide any provision of appeal against the orders of the Additional Agent to Government, Bhadrachalam.
- That the order under revision is against the binding decisions of the Hon'ble High Court of Judicature A.P. reported in 2006 (2) ALD 246 in WP.No.5320/05, ALT 2000 (Rev) page 66 & 81 in Kola Mahalaxmi Vs Spl. Deputy Collector(TW) and the full bench decision of Hon'ble High Court Apex Court reported in 1995 SCC 545.

**3.** In the reference 2<sup>nd</sup> read above, while admitting the Revision Petition was admitted and Stay Petition rejected and the Project Officer, ITDA & Addl. Agent to Government, Bhadrachalam was requested to furnish Para Wise Remarks and connected case records. In the reference 3<sup>rd</sup> read above the Addl. Agent to Government, Bhadrachalam has furnished Para Wise Remarks and connected original case records.

**4** The remarks of the Addl. Agent to Government, Bhadrachalam on the Revision Petition are as under:

- The order of the Additional Agent to Government, Bhadrachalam is not antedated and it was passed after due verification and considering the Written Arguments.
  - While passing the orders lower court records have been called and verified the records and passed orders.
  - Sri BandaruKorrajulu filed the appeal on 21.01.2006 stating that he received order on 22.11.2005. According to that the said appeal is filed in time.
  - As per the pahanies filed by Sri BandaruKorraju before the Additional Agent to Government claiming Sri BandaruKuntiBojji was shown as Pattedar from years 1961-62, 1962-63, 1965-66, 1967-68 and the Bandaru family members 1970-71 as pattadar. Only in the year 1965-66 the name of Sri KolliVishwanadham and Sri Satyanarayana shown as enjoyer. It is clear that he is not the Pattedar and land belongs to Tribal family who is Sri BandaruKorraju. The Revision Petitioner has not filed any documentary proof to show that his possession is prior to the regulation. Therefore the Additional Agent to Government after due enquiry passed order.
  - The Revenue authorities while issuing Pattedar pass books must verify whether the sale transaction has taken prior to the regulation, then only the pattedar pass book should be issued. But in this case the authorities have not observed the rules and regulations and issued pass book without observing the Regulation as the schedule land is situated in the scheduled area.
  - The Additional Agent to Government, Bhadrachalam rightly directed the Tahsildar, Dammapeta to take possession by conducting a panchanama after due enquiry with record passed such order.
  - As per the pahanies from 1961-62 onwards clearly shown that Sri BandaruK.Bojji is the pattadar for the schedule land. The Revision Petitioner not filed any single documentary proof to show that he is Pattedar of the schedule land prior to the regulation.
  - The Regulation provides Revision to the Government against the orders of the Additional Agent to Government, Bhadrachalam. The Revision Petitioner filed revision before the Government as per the Regulation.
  - The Revision Petitioner has not filed any document to prove his title. Hence the decisions furnished by the Revision Petitioner not applicable to this case.
  - On perusal of the material available in the file, it may be observed that:
- As per the pahanies filed by Sri BandaruKorraju before the Additional Agent to Government claiming Sri BandaruKuntiBojji as was shown as pattedar from years 1961-62, 1962-63, 1965-66, 1967-68 and the Bandaru family members 1970-71 as pattadar. Only in the year 1965-66 the name of Sri KolliVishwanadham and Sri Satyanarayana shown as enjoyer. It is clear that he is not the Pattedar and land belongs to Tribal family who is

SriBandaruKorraju The Revision Petitioner has not filed any documentary proof to show that his possession is prior to the regulation.

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- The Revenue authorities while issuing Pattedar pass books must verify whether the sale transaction has taken prior to the regulation, then only the Pattedar pass book should be issued. But in this case the authorities have not observed the rules and regulations and issued pass book without observing the Regulation as the schedule land is situated in the scheduled area.
- As per the pahanies from 1961-62 onwards clearly shown that BandaruK.Bojji is the Pattedar for the schedule land. The Revision Petitioner not filed any single documentary proof to show that he is pattadar of the schedule land prior to the regulation.
- The Revision Petitioner has not filed any document to prove his title.

5. Government after conducting hearings and after careful examination of the Revision Petition and as verified from the documents and written arguments produced before the authority as well as before the Addl.Agent to Govt, Bhadrachalam observes that;

- The Revision Petitioner's main plea is that he has purchased the land to an extent of Ac.7-38 gts in S.No.1132 situated at Nagulapally(V), Dammamet(M), Khammam District through a Sadasaleed Dt. 15.05.1962 and that he has been in continuous possession from that date and hence the transfer is not hit by Regulation 1 of 59 read with Regulation 1 of 70. In support of his claim he produced a copy of transfer of land proceedings dt.25.1.1994 issued by M.R.O., Dammamet and copy of pattadar pass book and title deed issued under R.O.R. Act.
- In the written arguments filed the Revision Petition claimed that the transfer of land in question has taken place prior to enforcement of Regulation 1 of 1959 (01.02.1963) and the Regulation 1 of 1970(03.02.1970) does not come in the way of said transfer of land and that the Regulation does not hit the transfer.
- As per the claim of Revision Petitioner the land was purchased on 15.05.1962, but he has not produced any such document before this authority or before Addl.Agent to Govt. Further as verified from the pahanis the name of Sri KolliViswanatham was shown as enjoyer of the land in question during 1965-66 only BandaruKuntiBujji is shown as enjoyer & pattadar from 1961-62 to 67-68 and Smt.BandaruMahalaxmiW/oPullappa is shown as pattadar and enjoyer from 1970-71 to 74-75.
- The Revision petitioner claimed that the said land was purchased from Smt.BandaruMahalaxmi. As seen from the R.O.R. proceedings dt.25.1.1994 of Mandal Revenue Officer,Dammamet the said land was sold by Smt.BandaruMahalaxmi. It is evident that the R.O.R. is effected and pattadar pass book issued on 25.01.1994 i.e. much after the enforcement of Regulation 1 of 1959(01-02-1963) and Regulation 1 of 1970 (03-02-1970). There is no record to prove that he has purchased the said land and was in possession of the land prior to 03.02.1970. Hence his plea is not maintainable.

6. Government after careful examination of the matter hereby rejects the Revision Petition filed by Sri KolliSatyanarayana, S/o Peeraiah, R/o Asannagudem Village, Dammapeta Mandal, now Bhadradi Kothagudem District through his counsel and upholds the orders of the Addl. Agent to Govt., Khammam passed in CMA No. 63/2007, dated 28-06-2008 in respect of Acres 7-38 guntas in Survey No. 1132 of Nagupalli Village, Dammapeta Mandal, Bhadradi Kothagudem District. The suit schedule land shall be taken over by evicting the person/persons whoever is in possession and restore the same to the Tribal pattadar or his legal heirs.

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7. The Addl.Agent to Government and Project Officer, ITDA, Bhadrachalam, Bhadradri Kothagudem District shall take necessary further action accordingly. The original case records received in the reference 3<sup>rd</sup> read above are returned herewith.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

BENHUR MAHESH DUTT EKKA,  
SECRETARY TO GOVERNMENT

To

- 1) Sri Kolli Satyanarayana, S/o Peeraiah, R/o Asannagudem Village, Dammapeta Mandal, Bhadradri Kothagudem District
- 2) Sri Bandaru Korraju, S/o: Muthyalu, R/o: ChalamappGudem Village, Ganeshpahad, Dammapeta Mandal, Bhadradri Kothagudem District.
- 3) The Project Officer, ITDA and Additional Agent to Government, Bhadrachalam, Bhadradri Kothagudem District(w.e.)

Copy to :

The District Tribal Development Officer, Bhadradri Kothagudem District.  
The Spl. Deputy Collector(TW), Bhadrachalam, Bhadradri Kothagudem Dist.  
for information and necessary action.

The Tahsildar, Dammapeta Mandal, Bhadradri Kothagudem District  
for necessary action.

Sri K.Sarath, Advocate, Flat No.112, H.No.1-1-365/A,  
Hima Sai Heights, Andhra Café Road, Street No.6,  
Jawahar Nagar, RTC X Roads, Hyderabad-500 020.

Sri G.Deendayal, Advocate, H.No.17-83, Sathupally,  
Srinivas Talkies Road, Sathupally, Erstwhile Khammam District.

P.S to M(TW)/P.S. to Prl.Secretary(TW)  
SF/SC

// FORWARDED:: BY ORDER//

SECTION OFFICER